

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC.,	:	
J-SQUARED TECHNOLOGIES	:	
(OREGON) INC.,	:	
	:	
Plaintiffs,	:	C.A. No. 04-960-SLR
	:	
v.	:	
	:	
MOTOROLA, INC.,	:	
	:	
Defendant.	:	

**MOTOROLA'S NOTICE OF ERRATA AND SUPPLEMENT TO ITS
RESPONSE TO PLAINTIFFS' MOTION TO AMEND**

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DATED: May 17, 2006

In Section IV(C) of its Response to Plaintiffs' Motion to Amend [D.I. 131], at page 16, Defendant Motorola explained that, in its Complaint, Plaintiff J-Squared Technologies (Oregon), Inc. ("JSO"), alleged that it could be terminated for cause if it were not meeting its contractual performance standards. Motorola then quoted the text of the Complaint where JSO stated, "Pursuant to 7.2A either party could terminate the JSO Agreement for cause if the other party failed to perform its obligations under the JSO Agreement" [D.I. 1 ¶30 (emphasis added).]

Motorola neglected, however, to point out that it had also admitted this allegation in its Answer, [D.I. 21 ¶30], and that, accordingly, the litigation had proceeded on this basis. *E.g., Consolidated Rail Corp. v. Providence & Worcester*, 540 F. Supp. 1210, 1220 n.12 (D. Del. 1982) ("An admission in a pleading is a judicial admission binding on a litigant.").

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/s/ William W. Bowser

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FOR THE DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC., a)	
Canadian corporation, and J-SQUARE)	
TECHNOLOGIES (OREGON) INC., an)	
Oregon corporation,)	
)	
Plaintiffs,)	
v.)	C.A. No. 04-CV-960-SLR
MOTOROLA, INC., a Delaware corporation.)	
Defendant.)	

CERTIFICATE OF SERVICE

I, William W. Bowser, Esquire, hereby certify that on the 17th day of May 2006, I electronically filed a true and correct copy of the foregoing **Motorola's Notice of Errata and Supplement to Its Response to Plaintiffs' Motion to Amend**, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

David Allan Felice
Cozen O'Connor
Chase Manhattan Centre, 1201 North Market, Suite 1400
Wilmington, DE 19801

I further certify that on this 17th day of May 2006, I mailed by United States Postal Service a copy of above-mentioned document to the following non-registered participant:

Kevin F. Berry
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